

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.)
and HONEYWELL INTELLECTUAL)
PROPERTIES INC.,)
Plaintiffs,)
v.) C.A. No. 04-1338-JJF
) (Consolidated)
APPLE COMPUTER, INC., et al.,)
Defendants.)

ORDER

WHEREAS, the Special Master issued a Report and Recommendations Regarding DM-1 on August 13, 2008 that included a schedule for formal discovery and motion practice;

WHEREAS, the Parties agree that is in the interest of judicial economy to attempt one final time to informally resolve the Affected Defendants' request for dismissal and Honeywell's request for information; and

WHEREAS, the Special Master encourages the Parties to cooperate in resolving each outstanding issue, including all informal requests for information from Honeywell, so as to avoid unnecessary delays, discovery disputes, and formal motion practice.

NOW THEREFORE, IT IS HEREBY RECOMMENDED THAT THE COURT:

1. Instruct the Parties to work together to, *inter alia*, jointly contact relevant third party Licensees so as to informally obtain information sufficient to resolve, or at least narrow, any outstanding issues relating to the Affected Defendants' request to be dismissed. The Parties shall work together in this regard until October 2, 2008.

2. The Parties shall submit a status report no later than close of business on October 3, 2008, which shall be limited to identifying whether and what issues remain pertaining to each Affected Defendants' request for dismissal and Honeywell's request for information.

3. The Special Master will conduct a telephonic hearing on October 7, 2008 at 2:00 pm EDT to determine: (1) whether Honeywell can agree to voluntarily dismiss any of the Affected Defendants, (2) whether Honeywell requires formal discovery with respect to any of the Affected Defendants, and (3), what period of time is appropriate to conduct the necessary formal discovery.

4. Any Affected Defendant which remains in this action may file a motion to dismiss (or motion for summary judgment) (the "Motions") and opening brief on or before October 24, 2008. Honeywell shall file its answering briefs in opposition to the Motions on or before November 7, 2008; and Affected Defendants shall file their reply briefs in on or before November 14, 2008. Opening and answering briefs shall be limited to 20 pages and reply briefs to 10 pages.

5. The Special Master shall hold a hearing on the Motions on November ___, 2008 at __:___.m.

ENTERED this ___ day of _____, 2008.

Vincent J. Poppiti (#100614)
Special Master

SO ORDERED this ___ day of _____, 2008.

United States District Judge